

AMENDED IN ASSEMBLY MARCH 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 83**

**Introduced by Assembly ~~Member Corbett~~ Members Corbett and  
Firebaugh**

**(Coauthors: Assembly Members Chan, Goldberg, Hancock,  
Harman, Jackson, Koretz, Laird, Lieber, Mullin, and Yee)  
(Coauthors: Senators Kuehl, Romero, and Soto)**

January 6, 2003

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~~An act to add Section 111197 to the Health and Safety Code, relating~~  
*An act to add Article 12 (commencing with Section 116752) to Chapter  
4 of Part 12 of, and to repeal Article 12 (commencing with Section  
111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety  
Code, relating to drinking water.*

LEGISLATIVE COUNSEL'S DIGEST

AB 83, as amended, Corbett. ~~Drinking Bottled water; consumer  
confidence reports.~~

*Existing law, commonly referred to as the California Safe Drinking  
Water Act, imposes various functions and duties on the State  
Department of Health Services with respect to the administration of the  
act, and requires public water systems to comply with recommended  
public health levels for contaminants in drinking water established by  
the department. Existing law further requires public water systems,  
among other things, to have an approved emergency notification plan,  
issue consumer confidence reports, and comply with annual  
inspections.*

Existing law, the Sherman Food, Drug, and Cosmetic Law, ~~contains various provisions regarding the packaging, labeling, and advertising of food, drugs, and cosmetics. Existing law also provides for the licensure and regulation by the State Department of Health Services~~ *department of specified persons engaged in certain activities relating to bottled, vended, hauled, and processed water. Violation of any of these provisions is a crime.*

~~This bill would require each water bottler, water vendor, water hauler, and retail water facility to prepare and distribute an annual consumer confidence report containing specified information to its respective customers. The bill would provide that each bottled water facility, water vending machine, and retail water facility shall be subject to annual inspections by the department, and would permit the department to make unannounced inspections of those facilities to determine compliance with statutory requirements.~~

~~The bill would also, commencing July 1, 2004, require each water bottling plant, water vending machine owner, water hauler, retail water facility, private water source operator, and bottled water distributor to reimburse the department, at a specified hourly rate, for costs incurred for certain inspection and enforcement activities.~~

~~Since a violation of the bill would be a crime, this bill would impose a state-mandated local program.~~

*This bill would transfer the provisions relating to the licensure and regulation of persons engaged in the above bottled water activities from the Sherman Food, Drug, and Cosmetic Law to the California Safe Drinking Water Act. The bill would require bottled water licensees to comply with provisions similar to those imposed on public water systems regarding emergency notification plans, consumer confidence reports, and annual inspections. Failure to comply with the inspection provisions would be a misdemeanor. The creation of a new crime would impose a state-mandated local program.*

*This bill, among other things, would revise the annual license fee schedule and would create the Safe Bottled and Vended Water Account in the General Fund, comprised of these fees, from which moneys would be expended, upon appropriation by the Legislature, for purposes of providing funds necessary to administer the above provisions. It would also require the labeling on bottled water sold at retail or wholesale in a plastic beverage container to include specified information, and would make various technical, nonsubstantive changes.*



*Existing law provides that a violation of certain provisions under the California Safe Drinking Water Act relating to fraud is punishable as a misdemeanor.*

*Since a violation of these fraud provisions by bottled water licensees would also be a misdemeanor, this bill would expand the definition of a crime, thereby imposing a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature finds and declares all of the~~  
2     SECTION 1. *The Legislature finds and declares all of the*  
3     *following:*

4     (a) *The California Safe Drinking Water Act establishes a*  
5     *statutory framework for the regulation of the quality of “tap*  
6     *water” in the state through drinking water quality standards,*  
7     *requirements for consumer reporting of drinking water quality,*  
8     *and regulatory oversight by the State Department of Health*  
9     *Services.*

10    (b) *Because bottled water and vended water products are*  
11    *regulated as food products rather than drinking water, many of the*  
12    *statutory protections for consumers contained in the California*  
13    *Safe Drinking Water Act that apply to tap water provided by public*  
14    *water systems do not apply to bottled water products, creating a*  
15    *lack of consumer certainty as to the contents of bottled water*  
16    *products.*

17    (c) *In order to ensure consistent state oversight of drinking*  
18    *water and to protect public health and inform California citizens,*  
19    *it is necessary to renumber existing statutes, and consolidate*  
20    *existing and proposed new statutes related to bottled and vended*  
21    *water into the California Safe Drinking Water Act.*

22    (d) *The general public perception is that bottled water and*  
23    *vended water products are safer, or are of higher quality, than tap*

1 water. However, the water quality requirements for bottled water  
2 are, in many cases, less stringent than tap water.

3 (e) Bottled water products are not subject to water quality  
4 “right to know” consumer reporting requirements such as  
5 consumer confidence report requirements, resulting in a lack of  
6 reliable and credible information for consumers concerning the  
7 contents of bottled water and vended water products.

8 (f) The existing levels of fees for the bottled water regulatory  
9 program are not sufficient to fund oversight of bottled water and  
10 vended water products when compared to funding that is  
11 generated by drinking water program regulatory fees paid by  
12 public water systems.

13 (g) It is necessary to enact legislation to improve consumer  
14 protection and ensure that the consumers of bottled water are  
15 afforded the same water quality “right to know” protections and  
16 regulatory oversight of bottled water products as those established  
17 for tap water.

18 SEC. 2. Article 12 (commencing with Section 111070) of  
19 Chapter 5 of Part 5 of Division 104 of the Health and Safety Code  
20 is repealed.

21 SEC. 3. Article 12 (commencing with Section 116752) is  
22 added to Chapter 4 of Part 12 of Division 104 of the Health and  
23 Safety Code, to read:

24  
25 Article 12. Bottled, Vended, Hauled, and Processed Water

26  
27 116752. (a) “Bottled water” means any water that is placed  
28 in a sealed container at a water-bottling plant to be used for  
29 drinking, culinary, or other purposes involving a likelihood of the  
30 water being ingested by humans. Bottled water shall not include  
31 water packaged with the approval of the department for use in a  
32 public emergency.

33 (b) “Vended water” means any water that is dispensed by a  
34 water-vending machine or retail water facility, or water from a  
35 private water source, or other water as described in Section  
36 116756.4 that is not placed by a bottler in sealed containers, and  
37 that is dispensed by a water-vending machine, retail water facility,  
38 water hauler, or any other person or facility for drinking, culinary,  
39 or other purposes involving a likelihood of the water being  
40 ingested by humans. “Vended water” does not include water from



1 a public water system that has not undergone additional treatment.  
2 Water sold without further treatment is not “vended water” and  
3 shall be labeled in accordance with Section 116756.4.

4 (c) “Water-bottling plant” means any facility in which bottled  
5 water is produced.

6 (d) A “water-vending machine” means any self-service device  
7 that, upon insertion of a coin, coins, or token, or upon receipt of  
8 payment by any other means, dispenses a unit volume of water to  
9 be used for drinking, culinary, or other purposes involving a  
10 likelihood of the water being ingested by humans.

11 (e) (1) “Water hauler” means any person who hauls water in  
12 bulk by any means of transportation if the water is to be used for  
13 drinking, culinary, or other purposes involving a likelihood of the  
14 water being ingested by humans.

15 (2) As used in this subdivision, “in bulk” means containers  
16 having capacities of 250 gallons or greater.

17 (f) “Retail water facility” means any commercial  
18 establishment where vended water is sold, and placed in  
19 customer’s containers, or placed in containers sold or given to  
20 customers who come to the establishment to obtain water.

21 (g) “Private water source” means a privately owned source of  
22 water, other than a public water system, that is used for bottled or  
23 vended water and meets the requirements of an approved source  
24 for bottled water as defined in Section 129.3 of Title 21 of the Code  
25 of Federal Regulations.

26 (h) “Bottled water distributor” means any person, other than  
27 an employee or representative of a bottled water plant, who  
28 delivers bottled water directly to customers.

29 116752.2. (a) Any person who processes, packages,  
30 distributes, transfers, or stores bottled water or vended water shall  
31 comply with the good manufacturing practices described in Part  
32 129 of Title 21 of the Code of Federal Regulations.

33 (b) Prior to bottling or vending water, the water shall be  
34 subjected to filtration and effective germicidal treatment by ozone,  
35 ultraviolet, carbon dioxide, or an equivalent disinfection process  
36 approved by the department, except that the requirements for  
37 filtration and germicidal treatment shall not apply to mineral  
38 water as defined in, and from a source that is subject to, the council  
39 directive of the European Economic Community pertaining to  
40 natural mineral waters, dated July 15, 1980, or that is subject to

1 any other natural mineral water standard in the country of origin  
2 that prohibits filtration and germicidal treatment, so long as both  
3 of the following conditions are met:

4 (1) The source and product are certified by the responsible  
5 authority in the country of origin as complying with  
6 microbiological standards at least equal to the standards of this  
7 article.

8 (2) The product complies with microbiological standards of  
9 this article.

10 (c) Bottled or vended water that originates from a surface  
11 water source that is not protected from surface contamination shall  
12 be subjected to ozonation, filtration, or another effective process  
13 that removes or destroys the cysts of the parasite *Giardia lamblia*.  
14 For the purposes of this section, a spring house, catchment basin,  
15 storage tank, or bore hole adjacent to a natural spring water  
16 source is not a surface water source.

17 (d) Ollas or other water-holding dispensers, both refrigerated  
18 and nonrefrigerated, water-vending machines, and water  
19 dispensers in retail water facilities, shall be examined for  
20 cleanliness each time they are serviced by the distributor, bottler,  
21 retail water facility, or water-vending machine operator. When  
22 necessary, these dispensers shall be sanitized according to the  
23 methods described in Part 129 of Title 21 of the Code of Federal  
24 Regulations.

25 (e) Sanitary operations, equipment procedures, and process  
26 controls used in the treatment, storage, transport, or dispensing of  
27 water at a retail water facility shall comply with the good  
28 manufacturing practices described in the following provisions of  
29 Part 129 of Title 21 of the Code of Federal Regulations:  
30 subdivisions (a) to (c), inclusive, of Section 129.37; Section  
31 129.40; and subdivisions (a), (c), (d), and (h) of Section 129.80.

32 (f) Sanitary operations, equipment, procedures, and process  
33 controls used in the treatment, storage, transfer, transport, or  
34 dispensing of water by water haulers, shall comply with the good  
35 manufacturing practices described in the following provisions of  
36 Part 129 of Title 21 of the Code of Federal Regulations:  
37 subdivisions (a) and (b) of Section 129.37; Section 129.40; and  
38 subdivisions (a), (c), (d), and (h) of Section 129.89.

39 (g) The design and construction of wells, bore holes, catchment  
40 basins, spring houses, storage tanks, or other water-contact



1 *equipment used by private water sources shall comply with the*  
2 *requirements of the local regulatory authority. Sanitary*  
3 *operations, equipment procedures, and transfer controls used in*  
4 *the treatment, storage, transfer, or dispensing of water by private*  
5 *water source operators shall comply with the good manufacturing*  
6 *practices described in the following provisions of Part 129 of Title*  
7 *21 of the Code of Federal Regulations: subdivision (a) of Section*  
8 *129.37; Section 129.40; and subdivisions (a), (c), (d), (g), and (h)*  
9 *of Section 129.80.*

10 *(h) Bottled water may be processed through lines used also for*  
11 *other food products under the following conditions:*

12 *(1) Process lines, including storage tanks and associated*  
13 *equipment, shall be used exclusively for the production of bottled*  
14 *water, except for filling equipment, that may be used also for filling*  
15 *other food products.*

16 *(2) Before being used for the bottling of water, filling equipment*  
17 *that is designed to be cleaned in-place and that is used for filling*  
18 *other food products shall be thoroughly cleansed and sanitized*  
19 *in-place in accordance with the manufacturer's specifications and*  
20 *in compliance with Section 129.80 of Title 21 of the Code of*  
21 *Federal Regulations and the supplementary procedures contained*  
22 *in paragraphs (3) to (7), inclusive.*

23 *(3) Immediately following completion of filling operations for*  
24 *any other food product other than water, the filler shall be*  
25 *thoroughly rinsed internally and externally with potable water.*

26 *(4) In accordance with filler manufacturer's instructions, any*  
27 *parts that are not designed to be cleaned in-place shall be*  
28 *disassembled and removed. All of these parts shall be cleansed and*  
29 *sanitized prior to reassembly using appropriate cleansing and*  
30 *sanitizing procedures, as specified in subdivisions (c) and (d) of*  
31 *Section 129.80 of Title 21 of the Code of Federal Regulations.*

32 *(5) All surfaces of the filler that do not contact food products*  
33 *shall be cleaned manually so as to render all surfaces clean and*  
34 *free of any residues.*

35 *(6) The filler shall be prepared and all appropriate connections*  
36 *made in accordance with the filler manufacturer's instructions to*  
37 *place the filler in the clean-in-place mode. The following*  
38 *procedures shall be followed:*

39 *(A) An alkaline cleaning solution of appropriate strength shall*  
40 *be recirculated through the filler to provide effective cleaning of*

1 all product contact surfaces, with a minimum recirculation time of  
2 20 minutes at a temperature between 140 and 170 degrees  
3 Fahrenheit.

4 (B) The cleaning solution shall be drained and followed with  
5 a potable water rinse-to-drain for the removal of all residual  
6 cleaner alkalinity. This step may be supplemented by the  
7 application of an acidified rinse prior to the potable water rinse  
8 in order to neutralize any residual alkalinity on product contact  
9 surfaces.

10 (7) Following reassembly of all parts to place the filler into the  
11 product mode and just prior to bottling water, the filler shall be  
12 sanitized in-place in accordance with procedures specified in  
13 subdivision (d) of Section 129.80 of Title 21 of the Code of Federal  
14 Regulations.

15 (8) Any alternate cleaning, rinsing, or sanitizing operations or  
16 processes not described in this section shall be approved in writing  
17 by the department.

18 (i) Bottled water and bulk waters sold at retail shall not contact  
19 equipment, lines, tanks, or vehicles used for processing,  
20 packaging, holding, or hauling of any nonfood product.

21 116752.4. The quality and labeling standards requirements  
22 for bottled water and vended water, including mineral water, shall  
23 include all standards prescribed by Section 165.110 of Title 21 of  
24 the Code of Federal Regulations. In addition, bottled water and  
25 vended water, when bottled, shall comply with the following  
26 quality standards and any additional quality standards adopted by  
27 regulation that the department determines are reasonably  
28 necessary to protect the public health:

29 (a) Bottled water and vended water shall meet all maximum  
30 contaminant levels set for public drinking water that the  
31 department determines are necessary or appropriate so that  
32 bottled water may present no adverse effect on public health. New  
33 or revised allowable levels or monitoring provisions adopted for  
34 bottled water by the United States Food and Drug Administration  
35 under the federal Food, Drug and Cosmetic Act (21 U.S.C. Sec.  
36 301 and following) that are more stringent than the state  
37 requirements for bottled water are incorporated into this chapter  
38 and are effective on the date established by the federal provisions  
39 unless otherwise established by regulations of the department.





1     ***(b) Bottled and vended water shall not exceed 10 parts per***  
2 ***billion of total trihalomethanes or five parts per billion of lead***  
3 ***unless the department establishes a lower level by regulation.***

4     ***(c) Bottled and vended water shall contain no chemicals in***  
5 ***concentrations that the United States Food and Drug***  
6 ***Administration or the department has determined may have an***  
7 ***adverse effect on public health.***

8     ***116752.5. (a) When a licensee has not complied with any***  
9 ***maximum contaminant level set for public drinking water***  
10 ***standards, as provided in subdivision (a) of Section 116752.4,***  
11 ***when a monitoring requirement specified by the department is not***  
12 ***performed by a licensee, or when a licensee fails to comply with***  
13 ***the conditions of any variance, the licensee shall notify the***  
14 ***department and shall give notice to consumers of that fact in the***  
15 ***manner prescribed by the department. When a variance is granted,***  
16 ***the licensee shall give notice to consumers of that fact.***

17     ***(b) When a licensee determines that a significant rise in the***  
18 ***bacterial count of water has occurred in its bottled or vended***  
19 ***water, the licensee shall provide, at its own expense, a report on the***  
20 ***rise in bacterial count of the water, together with the results of an***  
21 ***analysis of the water, within 24 hours to the department and, where***  
22 ***appropriate, to the local health officer.***

23     ***(c) When the department receives the information described in***  
24 ***subdivision (b) and determines that it constitutes an immediate***  
25 ***danger to health, the department shall immediately notify the***  
26 ***licensee to implement the emergency notification plan required by***  
27 ***this article.***

28     ***(d) In the case of a failure to comply with any maximum***  
29 ***contaminant level set for public drinking water that represents an***  
30 ***imminent danger to the health of consumers, the licensee shall***  
31 ***notify consumers as provided in the approved emergency***  
32 ***notification plan.***

33     ***(e) In addition, the same notification requirement shall be***  
34 ***required in any instance in which the department or the local***  
35 ***health officer recommends to the licensee that it notify its***  
36 ***customers to avoid internal consumption of the bottled or vended***  
37 ***water and to use an alternative source of drinking water due to a***  
38 ***chemical contamination problem that may pose a health risk.***

39     ***(f) The content of the notices required by this section shall be***  
40 ***approved by the department. Notice shall be repeated at intervals,***

1 *as required by the department, until the department concludes that*  
2 *there is compliance with its standards or requirements. Notices*  
3 *may be given by the department.*

4 (g) *In any case where consumer notification is required by this*  
5 *section because a contaminant is present in bottled or vended*  
6 *water at a level in excess of a maximum contaminant level set for*  
7 *public drinking water, the notification shall include identification*  
8 *of the contaminant, information on possible effects of the*  
9 *contaminant on human health, and information on specific*  
10 *measures that should be taken by persons or populations who*  
11 *might be more acutely affected than the general population.*

12 116752.6. (a) *No person may operate a facility licensed*  
13 *pursuant to Section 116754 without an emergency notification*  
14 *plan that has been submitted to, and approved by, the department.*  
15 *The emergency notification plan shall provide for immediate*  
16 *notice to the licensee's consumers of any significant rise in the*  
17 *bacterial count of water or other failure to comply with any*  
18 *maximum contaminant level set for public drinking water that*  
19 *represents an imminent danger to the health of consumers.*

20 (b) *No license or variance may be issued or amended under this*  
21 *article until an emergency notification plan has been approved by*  
22 *the department.*

23 (c) *The department shall adopt regulations to implement this*  
24 *section. The regulations may provide for the exclusion of licensees*  
25 *from the requirements of this section when, in the judgment of the*  
26 *department, the exclusion will best serve the public interest.*

27 116752.8. *Polycarbonate resins manufactured after January*  
28 *1, 1988, and intended for use in fabricating containers for water*  
29 *products defined in this article shall not contain in excess of three*  
30 *parts per million residual methylene chloride or in excess of 200*  
31 *parts per million residual monochlorobenzene unless the*  
32 *department establishes a lower level by regulation. For the*  
33 *purpose of monitoring compliance with this section, the*  
34 *concentration of methylene chloride and monochlorobenzene*  
35 *shall not exceed one part per billion in water. "Polycarbonate*  
36 *resins" means the substances defined by Section 177.1580 of Title*  
37 *21 of the Code of Federal Regulations except as modified by this*  
38 *section.*

39 116753. *Any owner or operator of a water-vending machine*  
40 *or other device from which any operator or customer dispenses*

1 vended water shall comply with the following standards of design,  
2 construction, and sanitation and any additional standards  
3 adopted by regulation that the department determines are  
4 reasonably necessary to protect the public health. The  
5 water-vending machines or devices shall do all of the following:

6 (a) Comply with the construction and performance standards  
7 established by the department or by an independent authority  
8 approved by the department.

9 (b) Be designed and constructed to permit easy cleaning and  
10 maintenance of all exterior and interior surfaces.

11 (c) Have all parts and surfaces that come into contact with the  
12 water constructed of approved, corrosive-resistant, and  
13 nonabsorbent material capable of withstanding repeated cleaning  
14 and sanitizing treatment.

15 (d) Have a recessed or guarded corrosion-resistant dispensing  
16 spout.

17 (e) Be designed so that all treatment of the vended water by  
18 distillation, ion exchange, filtration, ultraviolet light, reverse  
19 osmosis, mineral addition, or any other acceptable process is done  
20 in an effective manner.

21 (f) Have an effective system of handling drip, spillage, and  
22 overflow of water.

23 (g) Have a backflow prevention device approved by the  
24 department for all connections with the water supply.

25 (h) Dispense water disinfected by ultraviolet light or other  
26 method approved by the department prior to delivery into the  
27 customer's container.

28 (i) Be equipped with monitoring devices designed to shutdown  
29 operation of the machine when the disinfection unit fails to  
30 function. Alternatively, machines shall be monitored daily at  
31 startup and manually shutdown whenever the unit fails to function.

32 (j) Be equipped with either a self-closing, tight-fitting door on  
33 the vending compartment, or an enclosed vending spout in order  
34 to protect the vending spout when the water-vending machine is  
35 not in use. As an alternative, water-vending machines or other  
36 water-dispensing devices may be enclosed in a room with  
37 tight-fitting walls, ceilings, and one of the following: a self-closing  
38 door, an effective air screen device, or an alternative effective  
39 device approved by the department.

1 (k) Comply with the American Water Works Association  
2 (AWWA) specifications for granular activated carbon if used in the  
3 treatment of potable water (AWWA B604-74).

4 (l) Be maintained in a clean and sanitary condition, free from  
5 dirt and vermin.

6 (m) Use a state approved and regulated public water supply or  
7 private water source.

8 (n) Be located in an area that can be maintained in a clean  
9 condition and in a manner that avoids insect and rodent  
10 harborage.

11 (o) Be equipped with monitoring devices designed to shut down  
12 the labeled purified water delivery system if treatment of water by  
13 the machine does not result in a total dissolved solids content of  
14 less than 10 milligrams per liter in the purified water.  
15 Alternatively, machines shall be monitored daily at startup and  
16 manually shutdown whenever the total dissolved solids content  
17 exceeds 10 milligrams per liter in the purified water.

18 116753.2. It shall be unlawful to operate a water-bottling  
19 plant, water-vending machine, retail water facility, or private  
20 water source in violation of the minimum health standards of this  
21 article.

22 116753.4. It is unlawful for any person to operate a water  
23 vending machine in this state that does not satisfy the minimum  
24 standards prescribed by this article for the design, construction,  
25 and sanitation of water-vending machines.

26 116753.6. The department, upon the request of a local health  
27 officer, may authorize the local health officer to implement and  
28 enforce those provisions of this article that relate to water-vending  
29 machines, retail water facilities, and water haulers under the terms  
30 and conditions specified by the department.

31 116753.8. No water-vending machine may be used in this  
32 state that does not at least satisfy the minimum standards adopted  
33 by the department.

34 116753.9. The department shall require that each  
35 water-vending machine, retail water treatment plant, water hauler  
36 vehicle and facility, and private water source be maintained in a  
37 clean and sanitary condition at all times.

38 116754. (a) No person may operate a water-bottling plant or  
39 a private water source, or be a bottled water distributor in this  
40 state, except pursuant to a license issued by the department. If a



1 person has a valid water-bottling plant license issued by the  
2 department, additional license fees for a private water source  
3 operator, a retail water facility operator, a water hauler, or a  
4 bottled water distributor based and operating at the same address,  
5 shall not be required.

6 (b) No person may own or operate a water-vending machine or  
7 a retail water facility or be a water hauler, except pursuant to a  
8 license issued by the department or a permit issued by a local  
9 health department.

10 (c) It shall be unlawful for any person to bottle, collect, treat,  
11 hold, distribute, haul, vend, or sell bottled water or vended water,  
12 operate a retail water facility, or operate a private water source  
13 without the license as required by this article. Any bottled water or  
14 vended water dispensed by a retail water facility or a private water  
15 source that is not licensed in compliance with this article is  
16 misbranded and may be embargoed pursuant to subdivision (e).

17 (d) It shall be unlawful for a water bottler, distributor, vendor,  
18 retail water facility operator, or private water source operator to  
19 sell or otherwise distribute water that is unsafe for use, as provided  
20 in Section 110445, or that is adulterated, as provided in Section  
21 110545, 110560, or 110565, or that is misbranded as provided in  
22 Article 6 (commencing with Section 110660) of Chapter 5 of Part  
23 5.

24 (e) For the purposes of enforcing this section, water may be  
25 embargoed pursuant to Section 111860 in its immediate container,  
26 well, spring, spring vault, holding tank, water hauling vehicle,  
27 retail water treatment system, spigot, or pipe if there is reasonable  
28 cause to believe that it is adulterated.

29 (f) Any retail water facility, water vendor, or water hauler that  
30 violates this article may be subjected to the same penalty and  
31 enforcement procedure provided for violation of this article by a  
32 water-bottling plant.

33 116754.1. No bottled water produced in an out-of-state  
34 bottling plant may be sold or distributed within this state unless  
35 either the out-of-state bottler or the distributor shall have first  
36 obtained a bottler's or distributor's license.

37 116754.2. (a) Each category 1 water bottling plant owner or  
38 operator, category 2 water bottling plant owner or operator,  
39 water-vending machine owner or operator, water hauler, retail  
40 water facility operator, private water source operator, and bottled

1 water distributor shall reimburse the department for actual costs  
2 incurred by the department for conducting those activities  
3 mandated by this article relating to the issuance of licenses,  
4 inspections, monitoring, surveillance, and water quality  
5 evaluation that relate to that specific license. The amount of  
6 reimbursement shall be sufficient to pay, but shall not exceed, the  
7 department's actual cost in conducting these activities.

8 (b) For purposes of determining the fees provided for in  
9 subdivision (a), the department shall maintain a record of its  
10 actual costs for pursuing the activities specified in subdivision (a)  
11 relative to each licensee required to pay the fees. The fee charged  
12 each licensee shall reflect the department's actual cost of  
13 conducting the specified activities.

14 (c) The department shall submit an invoice for cost  
15 reimbursement for the activities specified in subdivision (a) to the  
16 licensee no more than twice a year.

17 (d) (1) The department shall submit one estimated cost invoice  
18 to the licensee. This invoice shall include the actual hours  
19 expended during the first six months of the fiscal year. The hourly  
20 cost rate used to determine the amount of the estimated cost  
21 invoice shall be the rate for the previous fiscal year.

22 (2) The department shall submit a final invoice to the licensee  
23 prior to October 1 following the fiscal year that the costs were  
24 incurred. The invoice shall indicate the total hours expended  
25 during the fiscal year, the reasons for the expenditure, the hourly  
26 cost rate of the department for the fiscal year, the estimated cost  
27 invoice, and payments received. The amount of the final invoice  
28 shall be determined using the total hours expended during the  
29 fiscal year and the actual hourly cost rate of the department for the  
30 fiscal year. The payment of the estimated invoice, exclusive of late  
31 penalty, if any, shall be credited toward the final invoice amount.

32 (3) Payment of the invoice issued pursuant to paragraphs (1)  
33 and (2) shall be made within 90 days of the date of the invoice.  
34 Failure to pay the amount of the invoice within 90 days shall result  
35 in a 10-percent late penalty that shall be paid in addition to the  
36 invoiced amount.

37 (e) Each owner or operator of any water-bottling plant, retail  
38 water facility, or private water source, each water hauler in  
39 California, and each bottler or distributor of water bottled  
40 out-of-state shall make application for a license on forms provided



1 by the department. Applications shall be submitted for each  
2 calendar year.

3 (f) Each water-vending machine owner or operator shall make  
4 application each calendar year for a license for all machines on  
5 forms provided by the department. A decal or seal provided by the  
6 department indicating a license fee has been paid shall be affixed  
7 in a prominent place to each water-vending machine in service.

8 116754.3. (a) Each licensee shall reimburse the department  
9 for actual costs incurred by the department for any of the following  
10 enforcement activities related to that licensee:

11 (1) Preparing, issuing, and monitoring compliance with an  
12 order or a citation.

13 (2) Preparing and issuing public notification.

14 (b) The department shall submit an invoice for these  
15 enforcement costs to the licensee that requires payment prior to  
16 September 1 of the fiscal year following the fiscal year in which the  
17 costs were incurred. The invoice shall indicate the total hours  
18 expended, the reasons for the expenditure, and the hourly cost rate  
19 of the department. The costs set forth in the invoice shall not exceed  
20 the total actual costs to the department of enforcement activities  
21 specified in this section.

22 (c) As used in this section, “enforcement costs” do not include  
23 “litigation costs” pursuant to Section 116754.5.

24 (d) The department shall not be entitled to enforcement costs  
25 pursuant to this section if either a court or the department  
26 determines that enforcement activities were in error.

27 (e) The maximum reimbursement, pursuant to this section, by  
28 a licensee during any fiscal year shall not exceed one thousand  
29 dollars (\$1,000), or twice the maximum for that licensee, as set  
30 forth in subdivision (b) of Section 116754.2, whichever is greater.

31 116754.4. (a) Each licensee that requests a variance  
32 pursuant to subdivision (e) of Section 116756 shall reimburse the  
33 department for actual costs incurred by the department in  
34 processing the request.

35 (b) The department shall submit an invoice to the licensee prior  
36 to October 1 of the fiscal year following the fiscal year in which  
37 the department’s decision was rendered with respect to the request  
38 for a variance. The invoice shall indicate the number of hours  
39 expended by the department and the department’s hourly cost rate.  
40 Payment of the fee shall be made within 120 days of the date of the

1 *invoice. The department may revoke any approval of a request for*  
2 *a variance for failure to pay the required fees.*

3 *116754.5. In any civil court action brought to enforce this*  
4 *article, the prevailing party or parties shall be awarded litigation*  
5 *costs, including, but not limited to, salaries, benefits, travel*  
6 *expenses, operating equipment, overhead, other litigation costs,*  
7 *and attorney's fees, as determined by the court. Litigation costs*  
8 *awarded to the department by the court shall be deposited into the*  
9 *Safe Bottled and Vended Water Account established pursuant to*  
10 *Section 116754.6.*

11 *116754.6. (a) Notwithstanding Section 116590, all funds*  
12 *received by the department pursuant to this article shall be*  
13 *deposited into the Safe Bottled and Vended Water Account that is*  
14 *hereby established in the General Fund. Funds in the Safe Bottled*  
15 *and Vended Water Account may not be expended for any purpose*  
16 *other than as set forth in this article. All moneys collected by the*  
17 *department pursuant to Sections 116754.2 to 116754.5, inclusive,*  
18 *shall be deposited into the Safe Bottled and Vended Water Account*  
19 *for use by the department, upon appropriation by the Legislature,*  
20 *for the purposes of providing funds necessary to administer this*  
21 *article.*

22 *(b) The department's hourly cost rate to determine the*  
23 *reimbursement for actual costs pursuant to Sections 116754.2,*  
24 *116754.3, and 116754.4 shall be based upon the department's*  
25 *costs for salaries, benefits, travel expenses, operating equipment,*  
26 *administrative support, and overhead.*

27 *(c) Fees assessed pursuant to this article shall not exceed*  
28 *actual costs to the department.*

29 *(d) The department shall develop a time accounting standard*  
30 *designed to do all of the following:*

31 *(1) Provide accurate time accounting.*

32 *(2) Provide accurate invoicing based upon hourly rates*  
33 *comparable to private sector professional classifications and*  
34 *comparable rates charged by other states for comparable services.*  
35 *These rates shall be applied against the time spent by the actual*  
36 *individuals who perform the work.*

37 *(3) Establish work standards that address work tasks, timing,*  
38 *completeness, limits on redirection of effort, and limits on the time*  
39 *spent in the aggregate for each activity.*

1     (4) *Establish overhead charge-back limitations, including, but*  
2 *not limited to, charge-back limitations on charges relating to*  
3 *reimbursement of services provided to the department by other*  
4 *departments and agencies of the state, that reasonably relate to the*  
5 *performance of the function.*

6     (5) *Provide appropriate invoice controls.*

7     116754.7. (a) *The department may deny any license*  
8 *application or revoke or suspend any license issued for cause. The*  
9 *department shall inform the person of any denial, revocation, or*  
10 *suspension in writing, stating with particularity reasons for the*  
11 *denial, revocation, or suspension.*

12     (b) *As used in this section, “cause” means a violation of any*  
13 *provision of this article or any regulation adopted pursuant to this*  
14 *article.*

15     116754.8. *The department shall charge and collect a fee for*  
16 *each department evaluation required to issue a new license for a*  
17 *water-vending machine model or a retail water facility to*  
18 *determine compliance with standards established by this article.*  
19 *The fee shall be three hundred dollars (\$300) and shall be adjusted*  
20 *annually as required by Section 100425.*

21     116755. (a) *The department shall require each bottler,*  
22 *distributor, or vendor of bottled water, each owner or operator of*  
23 *any water-vending machine, and each water hauler, retail water*  
24 *facility operator, private water source operator, and applicant for*  
25 *a license, to test for all substances necessary to establish*  
26 *conformance to standards adopted pursuant to Section 116752.4*  
27 *at the times and frequencies the department may reasonably*  
28 *establish.*

29     (b) *Each product dispensed by a water-vending machine or a*  
30 *retail water facility shall be sampled and analyzed for coliform*  
31 *bacteria at least once every six months. The analysis shall be*  
32 *submitted to the department indicating whether the water is pure*  
33 *and wholesome. Analysis of vended water or water from retail*  
34 *water facilities shall be submitted to the local health officers if the*  
35 *local health officers are authorized by the department pursuant to*  
36 *Section 116753.6.*

37     (c) *Purified waters from retail water facilities shall be analyzed*  
38 *by the operator for dissolved solids by conductivity measurement*  
39 *not less frequently than once every seven days.*

1 (d) Purified water from vending machines shall be analyzed by  
2 the operator for the dissolved solids by conductivity measurement  
3 each time the vending machine is serviced.

4 116755.2. (a) All sources of bottled water, vended water, and  
5 water dispensed by a retail water facility shall be monitored  
6 annually for the presence of volatile organic compounds of  
7 potential public health concern, as specified by the United States  
8 Environmental Protection Agency in Tables 2 and 14 contained in  
9 Volume 50 of the Federal Register on pages 46904, 46923, and  
10 46924 on November 13, 1985, or as reasonably specified by the  
11 department as a condition of licensure.

12 (b) In lieu of source water monitoring required by this section,  
13 a water bottler, water vendor, or a retail water facility may  
14 document that the source monitoring required by this section is  
15 conducted by another entity approved by the department, or may  
16 comply with the treatment requirements of subdivision (c).

17 (c) Detection in the source water of a volatile organic  
18 compound, except trihalomethanes, for which source monitoring  
19 is required pursuant to this section shall be followed immediately  
20 by a program of periodic monitoring by the water bottler, water  
21 vendor, or retail water facility to confirm the presence or absence  
22 in the source water of the volatile organic compound. If the volatile  
23 organic compound is confirmed to be present in the source water  
24 it shall be treated using granular activated carbon treatment or an  
25 equivalent treatment operated in accordance with good  
26 manufacturing practices as provided in Section 129.80 of Title 21  
27 of the Code of Federal Regulations until the time that the  
28 concentration of the volatile organic compound does not exceed  
29 either one part per billion, or any United States Environmental  
30 Protection Agency or United States Food and Drug  
31 Administration level for drinking water, or a maximum  
32 contaminant level established by the department for bottled water.

33 (d) The department may exempt any water bottler, water  
34 vendor, or retail water facility from the monitoring requirements  
35 of this section for any source based on a showing satisfactory to  
36 the department that the source (1) does not contain the volatile  
37 organic compound for which monitoring is required and (2) is not  
38 vulnerable to contamination by the volatile organic compound  
39 because for surface water sources the compounds are not applied,  
40 manufactured, stored, disposed, or shipped upstream, and for

1 groundwater sources, the compounds are not applied,  
2 manufactured, stored, disposed, or shipped in the groundwater  
3 recharge basin.

4 116755.4. (a) As a condition of licensure pursuant to Section  
5 116754, each licensee shall annually prepare a consumer  
6 confidence report and make that report available to each customer  
7 as required under this article, and to the department, which shall  
8 make the information available on its Web site. The report shall  
9 include all of the following information:

10 (1) The source of the bottled or vended water.

11 (2) A brief and plainly worded definition of the term “maximum  
12 contaminant level,” “primary drinking water standard,” and  
13 “public health goal.”

14 (3) If any regulated contaminant is detected in the bottled or  
15 vended water during the past year, the report shall include all of  
16 the following information:

17 (A) The level of the contaminant found in the bottled or vended  
18 water, and the corresponding public health goal and primary  
19 drinking water standard for that contaminant.

20 (B) Any violations of the primary drinking water standard that  
21 have occurred as a result of the presence of the contaminant in the  
22 bottled or vended water and a brief and plainly worded statement  
23 of health concerns that resulted in the regulation of the  
24 contaminant.

25 (C) Brief and plainly worded statements of health effects that  
26 resulted in the regulation of a contaminant for any contaminant for  
27 which a public water system is required by state or federal law to  
28 include a statement of health effects upon detection of that  
29 particular contaminant.

30 (D) The licensee’s address and telephone number to enable the  
31 customer to obtain further information concerning contaminants  
32 and potential health effects.

33 (4) Information on the levels of unregulated contaminants, if  
34 any, for which monitoring is required pursuant to state or federal  
35 law or regulation.

36 (5) Disclosure of any variances, pursuant to subdivision (e) of  
37 Section 116756, granted to the licensee and the basis upon which  
38 the variance was granted.

39 (b) The report shall include information in Spanish expressing  
40 the importance of the report or offering additional information. In

1 addition, for each non-English-speaking group other than Spanish  
2 that exceeds 10 percent of the state's population based upon the  
3 most current United States Census data, the report shall include  
4 information in the appropriate languages expressing the  
5 importance of the report or offering additional information. The  
6 department shall make the final determination of the appropriate  
7 multilingual requirements of the report.

8 116755.6. (a) Each licensee shall establish a toll-free  
9 telephone hotline for consumers to request additional information  
10 regarding water quality. The toll-free telephone hotline shall have  
11 multilingual capabilities and shall allow consumers to request  
12 complete information regarding the quality of the licensee's  
13 bottled or vended water product or products, including, but not  
14 limited to, all of the following:

15 (1) Consumer confidence reports prepared pursuant to Section  
16 116755.4.

17 (2) Publicly available water quality information for brands of  
18 bottled water.

19 (3) Information from local health departments regarding the  
20 quality of vended water, if applicable.

21 (b) If a licensee has a Web site presence, it shall provide active  
22 linkages on its Web site to the information available on the toll-free  
23 telephone hotline, as required by this section.

24 116755.8. Notwithstanding any other provision of this article,  
25 the department may require any bottler, distributor, or vendor of  
26 bottled water, any owner or operator of a water-vending machine,  
27 any water hauler, any retail water facility operator, any private  
28 water source operator, or any applicant for a license to test and  
29 submit results to the department for any substance, including  
30 organic chemical contaminants, at any time that the department  
31 believes the substance may be present in the water source and  
32 threaten the public health.

33 116756. (a) Upon a determination by the department that a  
34 particular water source is subject to potential contamination, the  
35 department shall notify the bottler, distributor, or vendor of bottled  
36 water, the owner and operator of any water-vending machine, any  
37 water hauler, any retail water facility operator, or any private  
38 water source operator of the specific contaminants or class of  
39 contaminants that pose a potential health risk.



(b) Within 90 days after notification by the department, the bottler, distributor, or vendor of bottled water, the owner and operator of any water-vending machine, any water hauler, any retail water facility operator, or any private water source operator shall conduct an analysis of the water source and submit the results of the analysis to the department.

(c) If evidence of contamination is found, the department may, by order, require the bottler, distributor, or vendor of bottled water, the owner and operator of any water-vending machine, any water hauler, any retail water facility operator, or any private water source operator to conduct a source and product water analysis for the contaminants of concern in accordance with conditions specified by the department. The water analysis shall be conducted and reported on an annual basis, unless the department finds that reasonable action requires either more frequent or less frequent analysis.

(d) The department may, by order, require the bottler, distributor, or vendor of bottled water, the owner and operator of any water-vending machine, any water hauler, any retail water facility operator, or any private water source operator to reduce or eliminate the concentration of any chemical that the department determines may have an adverse effect on public health. Until an enforceable standard has been established for a chemical that may have an adverse effect on human health, the department may require treatment techniques to reduce the concentration of the contaminants that require treatment, in the department's judgment, to prevent known or anticipated adverse effects on the health of persons. The treatment system shall be designed to meet criteria designated by the department or by an independent authority approved by the department.

(e) The department may grant variances from the requirements of subdivision (d), if the bottler, distributor, or vendor of bottled water, the owner and operator of any water-vending machine, any water hauler, any retail water facility operator, or any private water source operator demonstrates either of the following:

(1) That the prescribed treatment technique is not necessary to protect the health of consumers because its water source is not subject to, nor is it likely to be subject to, significant chemical contamination.

1     (2) *An alternative treatment technique is at least as efficient in*  
2 *lowering the level of contaminants to be controlled.*

3     116756.2. *All testing of bottled water, bottled water sources,*  
4 *water distributed by water haulers, water from retail water facility,*  
5 *and water from vending machines shall be done by laboratories*  
6 *approved by the department, laboratories certified by the United*  
7 *States Environmental Protection Agency, laboratories certified by*  
8 *the primary enforcement authority in states that have been granted*  
9 *primacy by the United States Environmental Protection Agency, or*  
10 *laboratories certified (accredited) by a third-party organization*  
11 *acceptable to a primacy state.*

12     116756.4. (a) *Labeling and advertising of bottled water and*  
13 *vended water shall conform with this article, Chapter 4*  
14 *(commencing with Section 110290) of Part 5, and applicable*  
15 *portions of Part 101 of Title 21 of the Code of Federal Regulations.*

16     (b) *Each container of bottled water sold in this state, each*  
17 *water-vending machine, and each container provided by retail*  
18 *water facilities located in this state shall be clearly labeled in an*  
19 *easily readable format. Retail water facilities that do not provide*  
20 *labeled containers shall post, in a location readily visible to*  
21 *consumers, a sign conveying required label information.*

22     (c) *Retail water facilities and private water sources that sell*  
23 *water at retail shall display in a position clearly visible to*  
24 *customers the following information:*

25         (1) *The name and address of the operator.*

26         (2) *The source of the water in a typeface at least equal to the size*  
27 *of the typeface of the corporate name or trademark.*

28         (3) *The fact that the water is obtained from an approved public*  
29 *water supply or licensed private water source.*

30         (4) *A statement describing the treatment process used.*

31         (5) *If no treatment process is utilized, a statement to that effect.*

32         (6) *A telephone number that may be called for further*  
33 *information, service, or complaints.*

34         (7) *The means by which a customer may order or download*  
35 *consumer information relating to water quality, including the*  
36 *consumer confidence report prepared pursuant to Section*  
37 *116755.4, as provided in Section 116755.6.*

38     (d) *Retail water facilities and private water source operators*  
39 *that sell water at retail shall also display the consumer confidence*

1 report, prepared pursuant to Section 116755.4, in a take-home  
2 format.

3 (e) Bottled water may be labeled “drinking water,”  
4 notwithstanding the source or characteristics of the water, only if  
5 it is processed pursuant to the Food and Drug Administration  
6 Good Manufacturing Practices contained in Section 165.110 and  
7 Parts 110 and 129 of Title 21 of the Code of Federal Regulations,  
8 Sections 12235 to 12285, inclusive, of Title 17 of the California  
9 Code of Regulations, and any other requirements established by  
10 the department pursuant to Sections 116755, 116755.2, and  
11 116755.8. Any vended water and any water from a retail water  
12 facility may be labeled “drinking water,” notwithstanding the  
13 source or characteristics of the water, only if it is processed  
14 pursuant to Article 10 (commencing with Section 114200) of  
15 Chapter 4 of Part 7 and any other requirements established by the  
16 department pursuant to Sections 116755, 116755.2, and 116755.8.

17 116756.5. Water-vending machines shall display, in a  
18 position clearly visible to customers, the following information:

- 19 (a) The name and address of the operator.
- 20 (b) The source of the water in a typeface at least equal to the size  
21 of the typeface of the corporate name or trademark.
- 22 (c) The fact that the water is obtained from an approved public  
23 water supply or licensed private water source.
- 24 (d) A statement describing the treatment process used.
- 25 (e) If no treatment process is utilized, a statement to that effect.
- 26 (f) A telephone number that may be called for further  
27 information, service, or complaints.
- 28 (g) The most current version of the consumer confidence report  
29 prepared pursuant to Section 116755.4.
- 30 (h) The means by which a customer may order or download  
31 consumer information relating to water quality, including the  
32 consumer confidence report prepared pursuant to Section  
33 116755.4, as provided in Section 116755.6. The information  
34 required by this subdivision shall be displayed in Spanish, and for  
35 each non-English-speaking group other than Spanish that exceeds  
36 1,000 residents or 10 percent of the residents in the community in  
37 which the water-vending machine is located, whichever is less, the  
38 information shall be displayed in the appropriate languages. The  
39 department shall make the final determination of which  
40 water-vending machines need to include multilingual information.

1 (i) *The date on which the water-vending machine was last*  
2 *cleaned and serviced by the owner or operator.*

3 116756.6. (a) *The labeling on bottled water sold at retail or*  
4 *wholesale in this state in a plastic beverage container, as defined*  
5 *in Section 14517 of the Public Resources Code, shall include one*  
6 *of the following:*

7 (1) *A telephone number of the bottler or brand owner.*

8 (2) *The bottler's or brand owner's mailing address.*

9 (b) *Bottlers or brand owners may also include other forms of*  
10 *contact, including, but not limited to, the bottler's or brand*  
11 *owner's E-mail address or Web site.*

12 116756.7. (a) *Notwithstanding Section 116756.6, the*  
13 *labeling on bottled water sold at retail or wholesale in this state*  
14 *in a plastic beverage container, as defined in Section 14517 of the*  
15 *Public Resources Code, shall also include the following:*

16 (1) *The source of the bottled water in a typeface at least equal*  
17 *to the size of the typeface of the corporate name or trademark.*

18 (2) *If any regulated contaminant is detected in the bottled*  
19 *water, as reported in the consumer confidence report prepared*  
20 *pursuant to Section 116755.4, the label shall also include the*  
21 *following information:*

22 (A) *The range of the contaminant level found in the bottled*  
23 *water and the corresponding maximum contaminant level and*  
24 *public health goal for that contaminant.*

25 (B) *Any violations of the maximum contaminant level that have*  
26 *occurred as a result of the presence of the contaminant in the*  
27 *bottled water.*

28 (C) *An indication of the health concerns that resulted in the*  
29 *regulation of the contaminant.*

30 (3) *The means by which a customer may order or download*  
31 *consumer information relating to water quality, including the*  
32 *consumer confidence report prepared pursuant to Section*  
33 *116755.4, as provided in Section 116755.6.*

34 (b) *The label information required by this section shall be*  
35 *updated annually, commensurate with publication of the annual*  
36 *consumer confidence report prepared pursuant to Section*  
37 *116755.4.*

38 116756.8. *Bottlers, bottled water distributors, and water*  
39 *haulers that distribute directly to consumers shall annually mail*

1 or deliver a copy of the consumer confidence report prepared  
2 pursuant to Section 116755.4 to each customer.

3 116757. (a) In addition to the requirements of this article, if  
4 a bottler, distributor, water hauler, retail water facility operator, or  
5 vending machine operator provides information in the labeling or  
6 advertising stating or implying that this water is of a specific water  
7 type (for example, “spring water”) or treated in a specific manner  
8 (for example, “purified”), the type or treatment shall be clearly  
9 labeled in an easily readable format. In order to be so labeled, the  
10 source or treatment shall conform to the definitions established in  
11 Section 165.110 of Title 21 of the Code of Federal Regulations, or,  
12 if not defined in that section, with the following criteria:

13 (1) “Mineralized water” means bottled or vended water that  
14 meets the requirements of “mineral water” except that the water  
15 contains added minerals.

16 (2) “Natural water” means bottled or vended spring, artesian  
17 well, or well water that is unmodified by mineral addition or  
18 deletion, except “natural water” may be filtered and shall be  
19 sanitized with ozone or an equivalent disinfection process and  
20 treated to reduce the concentration of any substance that exceeds  
21 safety standards established by the department.

22 (3) “Naturally sparkling water” means bottled water or  
23 vended water with a carbon dioxide content from the same source  
24 as the water.

25 (4) “Sparkling,” “carbonated,” or “carbonation added”  
26 means bottled water or vended water that contains carbon dioxide.

27 (b) Notwithstanding any other provision of this section, water  
28 from a public water system that is unprocessed by the bottler or  
29 vendor shall be in compliance with Section 165.110(a)(3)(ii) of  
30 Title 21 of the Code of Federal Regulations.

31 116757.2. Except as provided in Section 116752.4, any  
32 bottled water or vended water, the quality of which is below the  
33 quality required by this article, shall be labeled with a statement  
34 of substandard quality, as prescribed by subsection (b) of Section  
35 165.110 of Subpart B of Part 165 of Title 21 of the Code of Federal  
36 Regulations.

37 116757.4. (a) A bottled water, as defined in Section 116752,  
38 with natural or added carbonation, may be prepared with added  
39 flavors, extracts, essences, or fruit juice concentrates derived from  
40 a spice or fruit and comprising less than 1 percent by weight of the

1 *final product. The final product shall contain no sweeteners, or*  
2 *additives other than the flavors, extracts, essences, or fruit juice*  
3 *concentrates and carbon dioxide and shall be designated on labels*  
4 *and in advertising as follows:*

5 *(1) The common or usual name of the characterizing flavor*  
6 *shall accompany the designation of the bottled water product type,*  
7 *as specified in Section 116757.*

8 *(2) The product may be designated as “natural” only if it meets*  
9 *the requirements for the designation as provided in Section*  
10 *116757, and naturally derived flavors, extracts, or essences are*  
11 *used.*

12 *(b) Products labeled pursuant to this section shall comply with*  
13 *all other provisions of this article. Products with one type or one*  
14 *source of bottled water that are labeled pursuant to this section*  
15 *shall not be blended with water that is not bottled water or that is*  
16 *of another bottled water type.*

17 *116757.6. (a) Bottlers and water haulers that distribute*  
18 *directly to consumers shall provide a sentence on each billing*  
19 *statement that includes the following:*

20 *(1) A telephone number of the bottler or brand owner.*

21 *(2) The bottler’s or brand owner’s mailing address.*

22 *(3) The means by which a customer may order or download*  
23 *consumer information relating to water quality, including the*  
24 *consumer confidence report prepared pursuant to Section*  
25 *116755.4, as provided in Section 116755.6.*

26 *(b) Bottlers or brand owners may also include other forms of*  
27 *contact, including, but not limited to, the bottler’s or brand*  
28 *owner’s E-mail address or Web site.*

29 *116757.8. (a) The department may, by written permission,*  
30 *allow a person to package water for use in public emergencies*  
31 *without obtaining a water bottling license, where the emergency*  
32 *has resulted in the interruption of, or has compromised the quality*  
33 *of, the public drinking water supply. This permission may*  
34 *authorize the suspension of any provision of this article and related*  
35 *regulations.*

36 *(b) (1) The department may at any time change or impose on*  
37 *the permittee any requirements such as testing, equipment, and*  
38 *documentation that the department deems necessary to protect*  
39 *public health but in doing so shall consider the effect of those*



1 requirements in light of the urgency of the situation. The  
2 department may grant or withdraw this permission at any time.

3 (2) Packing, distribution, and use of water under this permit  
4 shall only be allowed during the emergency period and shall end  
5 upon the restoration of adequate public drinking supplies as  
6 determined by the department. Distribution shall be limited to the  
7 area affected. Water so packaged shall be prominently labeled  
8 “drinking water,” “for emergency use only,” and “not for sale,”  
9 or similar wording approved by the department.

10 (c) This section shall not be construed to restrict licensed  
11 water-bottling plants from providing water processed in  
12 accordance with this article in emergency situations.

13 116758. The department, prior to issuing a license, shall  
14 review all labels prepared pursuant to this article, and may require  
15 any changes in order to comply with this article.

16 116759. (a) In order to carry out the purposes of this article,  
17 any duly authorized representative of the department may, at any  
18 reasonable hour of the day, do any of the following:

19 (1) Enter and inspect any licensed facility or any place where  
20 bottled water or vended water records are stored, kept, or  
21 maintained.

22 (2) Inspect and copy any records, reports, test results, or other  
23 information required to carry out this article.

24 (3) Set up and maintain monitoring equipment for purposes of  
25 assessing compliance with this article.

26 (4) Obtain samples of the water supply.

27 (5) Photograph any portion of the facilities, any activity, or any  
28 sample taken.

29 (b) Any duly authorized representative of the department may,  
30 at any time, do any of the following:

31 (1) Inspect any water vending machine.

32 (2) Set up and maintain monitoring equipment for purposes of  
33 assessing compliance with this article.

34 (3) Obtain samples of vended water.

35 (4) Photograph any portion of the water vending machine, any  
36 activity, or any samples taken.

37 (c) The department shall inspect each water-bottling plant,  
38 water-vending machine, retail water facility, and private water  
39 source, as well as each facility and vehicle involved in bottled  
40 water distribution or water hauling at least annually, and shall

1 provide an opportunity for a representative of the water-bottling  
2 plant, water-vending machine owner or operator, water hauler,  
3 retail water facility operator, private water source operator, or  
4 bottled water distributor to accompany the representative of the  
5 department during the inspection.

6 (d) It shall be a misdemeanor for any person to prevent,  
7 interfere with, or attempt to impede in any way any duly authorized  
8 representative of the department from undertaking the activities  
9 authorized by this section.

10 SEC. 4. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

19 following:

20 ~~(a) Published reports indicate that nearly 70 percent of all~~  
21 ~~Californians consume some or all of their drinking water from~~  
22 ~~bottled water sources.~~

23 ~~(b) The general public perception is that bottled water and~~  
24 ~~vended water products are safer, or are of higher quality, than tap~~  
25 ~~water. However, the water quality standards for bottled water are,~~  
26 ~~for the most part, no more stringent than for tap water.~~

27 ~~(c) While bottled water, vended water, and tap water are subject~~  
28 ~~to similar water quality standards, bottled water and vended water~~  
29 ~~are regulated as food products and are not subject to many of the~~  
30 ~~statutory protections for consumers that apply to drinking water~~  
31 ~~supplied by public water systems.~~

32 ~~(d) Bottled water products are not subject to water quality~~  
33 ~~“right to know” consumer reporting requirements such as~~  
34 ~~consumer confidence report requirements that apply to tap water,~~  
35 ~~resulting in a lack of reliable and credible information for~~  
36 ~~consumers concerning the contents of bottled water and vended~~  
37 ~~water products.~~

38 ~~(e) The existing levels of fees for the bottled water regulatory~~  
39 ~~program are not sufficient to completely fund rigorous oversight~~  
40 ~~of bottled water and vended water products, when compared to~~

1 ~~funding that is generated by drinking water program regulatory~~  
2 ~~fees paid by public water systems.~~

3 ~~(f) Legislation is necessary to improve consumer protection~~  
4 ~~and eliminate the double standards regarding the water quality~~  
5 ~~“right to know” consumer reporting requirements and regulatory~~  
6 ~~oversight of bottled water products versus the regulation of tap~~  
7 ~~water.~~

8 ~~SEC. 2. Section 111197 is added to the Health and Safety~~  
9 ~~Code, to read:~~

10 ~~111197. (a) Each water bottler, water vendor, water hauler,~~  
11 ~~and retail water facility shall prepare and distribute an annual~~  
12 ~~consumer confidence report to its customers that is substantially~~  
13 ~~the same as the consumer confidence report prepared and~~  
14 ~~distributed annually by public water systems pursuant to Section~~  
15 ~~116470. This annual consumer confidence report shall include, but~~  
16 ~~not be limited to, all of the following:~~

17 ~~(1) Source of the bottled, vended, or hauled water.~~

18 ~~(2) Identification of any regulated contaminants detected in the~~  
19 ~~source of the bottled or vended water during the past year.~~

20 ~~(3) The level of the contaminant detected and the~~  
21 ~~corresponding maximum contaminant level.~~

22 ~~(4) Any violations of the maximum contaminant level that have~~  
23 ~~occurred and a brief and plainly worded statement of health~~  
24 ~~concerns that resulted in the regulation of the contaminant.~~

25 ~~(b) Each bottled water facility, water vending machine, and~~  
26 ~~retail water facility shall be subject to annual inspections by the~~  
27 ~~department, and the department may make unannounced~~  
28 ~~inspections of those facilities, to determine compliance with this~~  
29 ~~article. In carrying out this authority, the department may, at any~~  
30 ~~reasonable hour of the day, do any of the following:~~

31 ~~(1) Enter and inspect any bottled water or vended water facility~~  
32 ~~or any place where bottled water or vended water records are~~  
33 ~~stored, kept, or maintained.~~

34 ~~(2) Inspect and copy any records, reports, test results, or other~~  
35 ~~information required to carry out this article.~~

36 ~~(3) Set up and maintain monitoring equipment for purposes of~~  
37 ~~assessing compliance with this article.~~

38 ~~(4) Obtain samples of the water supply.~~

39 ~~(c) In addition to the annual license fees set forth in Section~~  
40 ~~111130, commencing July 1, 2004, each water bottling plant,~~

1 ~~water vending machine owner, water hauler, retail water facility,~~  
2 ~~private water source operator, and bottled water distributor shall~~  
3 ~~reimburse the department for the actual costs incurred by the~~  
4 ~~department in conducting the activities provided for in this article~~  
5 ~~and Article 2 (commencing with Section 110140) of Chapter 2~~  
6 ~~relating to inspections, monitoring, surveillance, and water quality~~  
7 ~~evaluation. For the first year, reimbursement to the department~~  
8 ~~shall be in the amount of eighty-six dollars (\$86) per hour,~~  
9 ~~consistent with the hourly cost rate imposed on public water~~  
10 ~~systems pursuant to Section 116565. In subsequent years, the~~  
11 ~~department shall annually adjust the hourly cost rate to ensure that~~  
12 ~~the amount of reimbursement shall be sufficient to pay, but in no~~  
13 ~~event exceed, the department's actual cost in conducting these~~  
14 ~~activities.~~

15 ~~SEC. 3.—No reimbursement is required by this act pursuant to~~  
16 ~~Section 6 of Article XIII B of the California Constitution because~~  
17 ~~the only costs that may be incurred by a local agency or school~~  
18 ~~district will be incurred because this act creates a new crime or~~  
19 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
20 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
21 ~~the Government Code, or changes the definition of a crime within~~  
22 ~~the meaning of Section 6 of Article XIII B of the California~~  
23 ~~Constitution.~~

